Investigative Summary

Incident:	Murder, Attempted Murder of a Peace Officer, Deputy Involved in Hit Shooting.
LASD Report:	006-04549-2317-011
IAB File:	SH 2182908

Opening Statement

On Tuesday, October 31, 2006, Internal Affairs Bureau investigators responded to an incident command post, erected by Cerritos Station personnel at 17785 Center Court Drive in the city of Cerritos. Sergeant Trent Denison, Sergeant Steve Flamm and Lieutenant Mike Parker were briefed regarding the circumstances of a Deputy Involved Shooting involving five deputies. Sergeant Denison was assigned the responsibility for the administrative review of the incident.

Synopsis

On October 31, 2006, at approximately 0806 hours, Deputies Corey Morning, Andrew Guthrie, Aaron King, Jess Ponce and Mark Hoo of Cerritos Station responded to a "Person Down" call which was updated to an "Assault With a Deadly Weapon" call at 17785 Towne Center Drive in the city of Cerritos. The location is a multiple business complex with a large asphalt parking lot and a multi story parking structure.

IAB note: **Cerritos Sheriff Station is located across the street from the large business complex this incident took place and is where most of the deputies involved responded from.**

As Deputy Morning arrived, seconds after the call was broadcast, he was directed by a group of bystanders in front of the "AIS" insurance building, to a green SUV (1997 Ford Expedition) that was parked two parking rows west of the front of the AIS building. As he approached the SUV, he noticed the feet of a person laying on the ground between the driver's side of the SUV and the car parked on the south side of it.

IAB note: **It was later found that Deputy Morning was looking at the body of [redacted] FH/34, who had just been shot to death by her estranged [redacted], Suspect Alfredo Valdivia MH/38, and was the source of the Person Down call.**

Deputy Morning exited his black and white patrol car and started walking around his driver's door when he heard people yelling "Deputy, he's got a gun, watch out, he's behind the green SUV." Deputy Morning un-holstered his weapon and was facing the person down on the ground

from approximately fifteen feet away when Suspect Valdivia appeared from behind the passenger side of the green SUV. Valdivia pointed a handgun at Deputy Morning and began shooting at Morning. Deputy Morning retreated towards the rear of his patrol car while returning fire at Suspect Valdivia. Valdivia did not retreat but instead chased after Deputy Morning. Morning, in order to gain distance between himself and Valdivia, ran from behind the radio car and in a southwest direction across the parking lot. While he was running, he noticed Suspect Valdivia chasing after him and they exchanged more gunfire. Deputy Morning took cover behind a large tree in the parking lot and reloaded his weapon while trying to visually locate Valdivia, who had stopped chasing him. Deputy Morning saw Valdivia had returned to the green SUV and was seated in the front passenger seat and appeared to be either reloading his weapon or trying to clear a jam in the receiver of his gun. Morning fired four to five more times at the suspect from his position at the tree. He saw Valdivia duck down and then lost sight of him. Valdivia then popped his head up from behind the SUV and look in the direction of Deputy Morning as though he was trying to locate Morning's position.

At the time of the shooting, assisting deputies arrived at the west entrance to the parking lot and stopped their vehicles and motorcycles several car lengths northwest of where Deputy Morning had taken cover behind the tree. Deputies Guthrie, Hoo, Ponce and King took positions of cover by the radio cars and located the suspect outside the passenger side of the green SUV. They saw Suspect Valdivia advance into the open parking stalls and towards them while pointing his weapon at them. Just prior to the suspect advancing on the deputies, Deputy Morning had ran back towards his radio car and in front of the AIS building to outflank Suspect Valdivia. When he got to the front of the building, he noticed Suspect Valdivia kneeling on the ground, with his back to Morning, and trying to either clear a jam on his gun or reload it. Deputy Morning believed that Suspect Valdivia was extremely dangerous so he fired numerous rounds at Valdivia. Valdivia got up from his crouched position and quickly walked from between the cars and towards the above mentioned deputies to the southwest in the parking lot. Deputy Morning heard Deputies yell for Suspect Valdivia to drop his gun. Valdivia pointed his weapon at the Deputies as he quickly walked towards them in the parking lot. Out of fear for their lives and those of several civilians within the parking lot, Deputy Guthrie fired five rounds from his Beretta, Deputy King fired two rounds from a Department issued AR-15 rifle, Deputy Ponce fired three rounds from his Heckler & Koch USP 45 pistol and Deputy Hoo fired one round from his Beretta. Deputy Morning fired a total of 31 rounds during the gunfight. Each Deputy shot at Suspect Valdivia to stop his assault on them and to prevent him from injuring or killing anyone else.

Each of the above named Deputies fired simultaneously at Suspect Valdivia who fell to the ground, raised his gun up again then fell flat on the ground, still holding his gun in his right hand. Several Deputies and Sergeant Cotto formed an arrest team and approached and handcuffed Suspect Valdivia. Valdivia was pronounced dead at the scene, having sustained multiple gunshot wounds to his body. [redacted] was transported to La Palma Intercommunity Hospital and pronounced dead at 0905 hours as a result of multiple gunshot wounds inflicted by Suspect Valdivia.

IAB Lieutenant Parker checked to see that the Cerritos Watch Commander took reasonable steps to ensure that the involved and witness personnel did not discuss the incident among themselves or with uninvolved persons prior to being interviewed by the assigned investigators. The Watch Commander made sure the involved and witness personnel did not collectively consult with their attorney or representative and IAB Lieutenant Parker checked to see if the Watch Commander attempted to have involved and witness personnel gather in the company of a supervisor until they had provided a statement to the assigned investigators.

Homicide detectives responded and investigated the incident. For more information, see the Homicide Investigation Book **[Exhibit A]**.

The involved personnel in this incident were found to have acted within the law by the Los Angeles County District Attorney's Office and their case was closed. See the Letter of Opinion by the DA's office **[Exhibit B]**.

Involved Personnel

Deputy Corey Morning #[redacted]
Cerritos Station, Field Operations Region III

Work History

Date of Employment:	**08-10-94**
Date Assigned to Patrol:	[redacted]
Date Completed Patrol Training:	[redacted]
Date Assigned to Cerritos Station:	**01-28-01**
Prior Shooting Incident(s):	[redacted]
Prior Founded Force Incidents:	[redacted]

Deputy Andrew Guthrie #[redacted]
Cerritos Station, Field Operations Region III

Work History

Date of Employment:	**07-23-86**
Date Assigned to Patrol:	[redacted]
Date Completed Patrol Training:	[redacted]
Date Assigned to Cerritos Station:	**01-19-00**
Prior Shooting Incident(s):	**(1) - 10-03-91**
Prior Founded Force Incidents:	[redacted]

Deputy Aaron King #[redacted]
Cerritos Station, Field Operations Region III

<u>Work History</u>

Date of Employment:	**10-20-89**
Date Assigned to Patrol:	[redacted]
Date Completed Patrol Training:	
Date Assigned to Cerritos Station:	**02-01-00**
Prior Shooting Incident(s):	[redacted]
Prior Founded Force Incidents:	

Deputy Jess Ponce #[redacted]
Cerritos Station, Field Operations Region III

<u>Work History</u>

Date of Employment:	**02-17-88**
Date Assigned to Patrol:	[redacted]
Date Completed Patrol Training:	
Date Assigned to Cerritos Station:	**01-19-00**
Prior Shooting Incident(s):	[redacted]
Prior Founded Force Incidents:	

Deputy Mark Hoo #[redacted]
Cerritos Station, Field Operations Region III

<u>Work History</u>

Date of Employment:	**12-01-82**
Date Assigned to Patrol:	[redacted]
Date Completed Patrol Training:	
Date Assigned to Cerritos Station:	**01-19-00**
Prior Shooting Incident(s):	[redacted]
Prior Founded Force Incidents:	

<u>Suspect</u>

Valdivia, Alfredo, MH/38, DOB: 03-15-68, Blk eyes, Bro hair, 505, 140, CA License [redacted], [redacted].
Suspect Valdivia, at the time of this shooting, had a documented history involving [redacted]. For more information, see related police reports found on pages 259 - 281 of the Homicide Investigation Book.

Witnesses

Sergeant Deborah Cotto #[redacted]

Sergeant Cotto said during her IAB interview on 06-23-08, that she was the Cerritos field sergeant, unit 230S, on the day of this incident. She said she was inside the Cerritos Sheriff Station and about to give the [redacted] hour briefing when she heard the "Person Down" call over her radio. She said she believed the call was not a routine type of call so she cancelled briefing and told the deputies to go in-service. She said she responded to her patrol vehicle and heard over the radio, emergent traffic from Deputy Morning. She said she could tell in his voice that he was excited and needed help so she responded to the location's west side parking lot entrance. She said she responded with another unit from the station and once at the entrance to the parking lot, she noticed a gardener waiving her down and pointing toward the parking lot. She said she stopped and was told by the gardener that people were shooting in the parking lot. She then proceeded into the parking lot a short distance and saw Deputy King take cover near the engine block of his radio car and she saw Deputy Morning taking cover behind a tree that was several car lengths away from Deputy King's car. She noticed Deputy Morning appeared frightened because his eyes were abnormally big, he was pointing in a northeast direction and yelling that someone was shooting. Sergeant Cotto said she then heard several gunshots coming from the northeast in the parking lot. She said several other units arrived and parked near her and the deputies took cover next to their cars. She said the deputies were Ponce, Hoo, Guthrie and at some point she noticed Deputy Mades too.

Sergeant Cotto said she was unable to locate the suspect's position and yelled for Deputy Morning to give more detail. She said when she heard, what she believed was the suspect shooting, she then looked back at Deputy Morning and noticed he was shooting his pistol several times in a northeast direction. Deputy Morning yelled that the suspect was by a green SUV however, Sergeant Cotto said there were numerous vehicles in the parking lot and she could not locate the suspect. She then noticed Deputy Morning run east through the parking lot and back toward his radio car, which she noticed was parked near the front of the AIS building. She said she yelled for Morning to take cover and to come back but he kept running. She drove her car towards Deputy Morning in an effort to provide him cover with her vehicle but she was unable to catch up to him before he ran between parked cars and took cover behind a car by the AIS building. She said she then returned to her original location next to the assisting deputies after stopping a motorist from driving into the middle of the gunfight. Sergeant Cotto ordered Deputy King to deploy the AR-15 rifle and she radioed for assistance and gave directions to assisting deputies so they did not drive into the gunfight. She requested assistance from other Sheriff stations because she realized Cerritos Station did not have the resources to handle such a situation. She also requested the fire department to respond and stage. Sergeant Cotto said she heard several deputies yell for the suspect to drop his weapon and then several deputies fired. She said she noticed the suspect advancing towards them while holding, what she believed, was a gun in his hand. She said the suspect fell to the ground then raised his gun up briefly then he dropped his arm. She said she formed a team to approach the suspect. She said she left two

designated shooters near the radio cars, retrieved the ballistic shield from her unit and had a handcuff person, armed cover person and the shield for the approach. She said they formed a tactical line and walked north in the parking lot to the suspect. She said she noticed the suspect move his body slightly as they approached so when they got to him, she placed her foot on his back to hold him down while one of the deputies handcuffed him and the suspect's weapon was kicked away from his hand. She said paramedics were summoned for the suspect as well as the female victim (Victim [redacted]). She added that she never heard Suspect Valdivia say anything during this incident and he did not resist handcuffing or push up against her foot she used to hold him down. She believed he had expired during their approach. Once the suspect was secured, she ensured the scene was also secured and deputies searched for additional victims and witnesses.

Sergeant Cotto said the entire incident was rapidly evolving and ended quickly. She said, based on the circumstances, all the involved personnel did the best they could and performed well.

Sergeant Cotto, for points of reference, indicated the positions of the suspect and personnel during this shooting incident, on a crime scene diagram during her IAB interview **[Attachment A]**.

IAB investigators reviewed Sergeant Cotto's recorded interview with Homicide detectives. Homicide's summary of said interview was found to be an accurate reflection of her statements and her statements during her interview with IAB were consistent with those she made to Homicide investigators. Sergeant Cotto authored a Supplementary Report regarding this incident. See her report, pages 14 - 18, in the Homicide Investigation Book.

Deputy Raymond Mades #[redacted]

Deputy Mades said during his Homicide interview (which was attended by Sergeant R. Smith of IAB) on October 31, 2006, that he was inside the station's traffic office when he heard the "Person Down" call over the station's intercom system. He said he rode his Department motorcycle to the west side of the parking lot at the location and heard numerous gunshots but he was unable to determine from what direction or who was firing. He said he saw several radio cars and Deputy Ponce's Department motorcycle already parked in the parking lot so he stopped to take cover behind the passenger door of one of the units. He stated that he saw Deputy Morning's radio car but he could not locate Morning or the suspect. He then saw Suspect Valdivia walking west from between cars near a green color SUV. Deputy Mades said he then heard deputies yelling and then numerous gunshots. He saw Deputy King fire the AR-15 rifle and then he saw Suspect Valdivia on the ground. He suggested to Sergeant Cotto to get the ballistic shield and they approached the suspect who was laying face down on the ground. He said Deputy Morning kicked Valdivia's gun out of his hand and Sergeant Cotto held the suspect on the ground by placing her foot on his back. Deputy Mades added that he found Victim [redacted] laying on the ground near the green SUV and another car and she had three bullet holes in her upper torso. He said he checked Victim [redacted] for a pulse and found none.

At the time of this (IAB) investigation, Deputy Mades was on extended medical leave for a unrelated injury. A review of his homicide interview was conducted and Homicide's summary of that interview was found to be an accurate reflection of his statements. Therefore, Deputy Mades was not interviewed again by IAB investigators. See pages 121 - 123 of the Homicide Investigation Book for Deputy Mades' interview summary.

This incident was witnessed by numerous civilian witnesses who were inside their cars, having just arrived for work, as well as standing outside the AIS building. There were also numerous witnesses who were able to view the incident from inside the business, looking out the glass windows of the offices on several floors. For more information see the Homicide Investigation Book **[Exhibit A]** pages 19 to 189 and pages 225 to 254. Also included are several reports written by assisting deputies as well as a previous [redacted] report regarding Suspect Valdivia and Victim [redacted] authored by Deputy Klaus of Cerritos Station on October 20, 2006 (page 58 in the Homicide Investigation Book). Part of the shooting incident where Suspect Valdivia advances towards the deputies from a green SUV while pointing a gun, was captured on video by a witness inside the AIS building who was looking out a [redacted] story office window. The video is included in this investigation **[Exhibit C]**.

Injuries
No Deputies or Civilians were injured during this use of force incident. Victim [redacted] had been murdered by Suspect Valdivia, prior to deputy arrival.

Physical Evidence
All physical evidence was located and retrieved by Scientific Services Bureau technicians and documented by them via supplemental reports and diagrams. For a description of the physical evidence, see the Homicide Investigation Book **[Exhibit A]**, pages 191 - 201.

Investigator Observations
During the walkthrough of the scene, it was determined the incident took place in the west side parking lot of the six story "AIS" insurance building located at 17785 Center Court Drive in Cerritos. The parking lot is made of asphalt and contains numerous parking stalls in four rows which run north and south. The parking stalls are painted with white lines and each row of stalls is delineated by a raised five foot wide grassy area with numerous large trees. The parking stalls face east/west. The parking lot is surrounded by multiple story business buildings and there is a four story parking structure on the north side of the parking lot. At the time investigators arrived there were numerous cars parked in the stalls nearest the AIS building, leaving the majority of the parking lot heading west, empty except for a few parked cars which were spread out.

Investigators observed Suspect Valdivia's body laying face down near the middle of the third row of parking stalls west of the AIS building. Valdivia's head was to the west and his feet were to the east and his hands were handcuffed behind his back. Investigators did not approach close enough to the body to determine any more detail in order to preserve the scene for Homicide's investigation.

Numerous civilian vehicles were struck by bullets during this shooting. For a description of the damage, see the Homicide Investigation Book **[Exhibit A]** pages 203 - 204. At the time of the walkthrough, all the other above mentioned bullet strikes were not noticed.

Investigators observed a 9mm silver color semi-automatic pistol with black grips (Suspect Valdivia's weapon) on the ground to the north of Suspect Valdivia's body. The slide was in-battery.

Weapon used by Deputy Morning
Deputy Morning fired thirty one (31) rounds of Department issued 9mm ammunition from his Department issued Beretta 92F 9mm semiautomatic pistol.

Weapon used by Deputy Guthrie
Deputy Guthrie fired five (5) rounds of Department issued 9mm ammunition from his Department issued Beretta 92F 9mm semiautomatic pistol.

Weapon used by Deputy Hoo
Deputy Hoo fired one (1) round of Department issued 9mm ammunition from his Department issued Beretta 92F 9mm semiautomatic pistol.

Weapon used by Deputy Ponce
Deputy Ponce fired three (3) rounds of Department issued 45 caliber ammunition from his personally owned, Department approved, Heckler & Koch USP 45 semiautomatic pistol.

Weapon used by Deputy King
Deputy King fired two (2) rounds of Department issued .223 caliber ammunition from a Department issued Colt AR-15 rifle.

Weapon used by Suspect Valdivia
A silver steel, "Star" model Firestar, 9mm semiautomatic pistol, Serial #[redacted], with black color grips. Recovered as evidence and belonging to Suspect Valdivia's weapon was one (1) empty magazine, one (1) magazine floor plate, one (1) magazine tube and one (1) magazine spring. This weapon was recovered from the parking lot near Suspect Valdivia's body.

Property Damage
Twelve (12) civilian vehicles received bullet strikes as a result of this shooting. For a description of the vehicles and damage, see Homicide Investigation Book, **[Exhibit A]**, pages 203 & 204.

Criminal Investigators
Homicide Detectives Steve Lankford and Jeff Cochran.

Lighting and Weather Conditions
The shooting occurred during daylight hours. The weather was cool and dry and the sky was clear.

IAB Interview of Deputy Morning
The narrative which follows is intended only as a synopsis of the IAB interview. Additional information and precise wording may be obtained by reviewing Deputy Morning's recorded interview and attached interview transcription.

Deputy Morning told IAB investigators during his interview on June 12, 2008, that he was parked on the fourth floor of a parking structure located at the north side of the AIS building when this incident started. He said he was writing a report and talking with Deputy Guthrie, who was parked next to him however, he did not hear the gunshots when Suspect Valdivia shot Victim [redacted] to death in front of the AIS building. Deputy Morning said he heard a call on the radio of a "Person Down" and possible Assault With a Deadly Weapon at the location, and realized he was already at the north side of the parking lot and only seconds away from the front of the AIS building. Deputy Morning said he made a plan with Deputy Guthrie to split up and search specific areas of the parking lot since he realized the lot size was large and the call was not specific to the location of the victim. He added that Deputy Guthrie exited the parking structure first and drove east while he drove directly south toward the front of the building. Deputy Morning said he asked the Sheriff's Communication Center (SCC) for updates regarding the location of the victim. He said as he drove past the entrance to the AIS building, he saw between ten and twenty people standing by the front door and pointing into the parking lot yelling "Deputy, she's over there near the green SUV". Deputy Morning said he drove to the second row of parking stalls and as he rounded the corner on the south side of the row, he noticed the feet of a woman who was laying on the ground between a green SUV and a car on the south side of it. He immediately called for paramedics to respond and stopped his car and got out. As he started to walk around his door he heard people screaming and he saw Suspect Valdivia walk out from the passenger side of the green SUV, to the rear of it. Suspect Valdivia raised his arm up and pointed a pistol at him. Deputy Morning said he was a few feet away from his car door and facing Suspect Valdivia who was approximately ten feet away from him. Deputy Morning said Suspect Valdivia fired several rounds at him and that he could see the muzzle flashes and heard the report of Valdivia's gun. Deputy Morning said he pulled his Beretta out of its holster and fired several shots at Suspect Valdivia as he (Morning) retreated toward the rear of his radio car to take cover. He said he saw Suspect Valdivia run after him, still shooting at him. He said Suspect Valdivia was closing the distance so he ran away from Valdivia in a attempt to create more distance. He said as he ran, he turned his upper torso and shot at Valdivia who was still chasing after him from approximately fifteen feet away. Deputy Morning said he ran in a zig-zag pattern so as not to give Suspect Valdivia an easy target. He said he ran in a southwest direction to a tree in the parking lot and took cover behind it and reloaded his gun since he was unsure how many rounds he had fired. Deputy Morning said he looked up to see if Suspect Valdivia was still chasing him but could not see him. At this point he saw Deputy Guthrie drive south towards him

and stop approximately 45 to 50 feet to the northwest of him. He said he communicated verbally with Deputy Guthrie by telling him the suspect was at the green SUV and pointing towards the SUV. He said he then noticed Valdivia had returned to the green SUV and was sitting on the front passenger seat and moving his upper body in a way that gave Morning the impression that Valdivia was either reloading his weapon or trying to clear a jam. Deputy Morning said he had no doubt Suspect Valdivia tried to kill him by shooting at him then chasing after him while still shooting. He added that Valdivia had every opportunity to surrender or to escape but instead, Valdivia shot at him numerous times. Deputy Morning said he believed that once Valdivia reloaded or cleared a jam in his weapon, that Valdivia would then re-engage him and again try to kill him or fellow deputies or other civilians. Deputy Morning said he stayed at the tree and fired a couple more rounds at Valdivia as he sat in the SUV which was approximately 45 to 50 feet away. He said Valdivia ducked down out of sight when fired upon then popped his head up and looked around as if to find where he (Morning) was located. Deputy Morning said he broadcast on his hand held radio that he was in a shooting and asked for assistance. Deputy Morning said he saw the group of civilians were still near the front of the AIS building and Suspect Valdivia was still very much a threat. He said he feared that if Valdivia ran into the AIS building the situation would worsen and more people could be harmed or Valdivia would barricade himself inside etc. Deputy Morning said he ran back toward his radio car and the front of the AIS building to "Flank" the suspect and to place himself between the suspect and the building in order to protect the people. He said he used parked cars as cover when he ran back to the front area of the AIS building and when he was on the east side the row of parked cars to the east of the row of cars the green SUV was parked with, he noticed Valdivia had exited the SUV. He said he saw Valdivia was crouched on one knee next to the passenger door of the SUV and the car parked on it's north side and it appeared Valdivia was again, reloading his weapon or trying to clear a jam. Deputy Morning said Valdivia's back was to him but Valdivia's body motions were that of a person working with a gun. Deputy Morning said he feared Valdivia was still a deadly threat and it was obvious Valdivia had every opportunity to surrender or escape but chose to remain and was working on his weapon. Deputy Morning said he fired a couple more rounds at Valdivia and suddenly Valdivia got up and quickly walked west from between the parked cars and towards assisting deputies who were arriving at the west side entrance of the parking lot. He saw Suspect Valdivia was still holding his gun in his hand and advancing towards the deputies. He said he heard the deputies yelling for Valdivia to "Drop your weapon. Drop your weapon. Drop your weapon" and then numerous gunshots were heard and he also fired numerous more times at Valdivia to stop his assault. He said he did not know if the gunfire he heard was from the suspect shooting or the deputies or both. Deputy Morning said he saw the suspect fall to the ground and he heard assisting deputies yelling for him (Morning) to see if he was alright and where was he? Deputy Morning said he then ran and joined the assisting deputies at the west entrance to the parking lot and he saw Suspect Valdivia was laying on the ground in the parking lot near the front of the green SUV. Deputy Morning said he along with Sergeant Cotto, Deputy Hoo and a couple of other deputies, used a ballistic shield and approached Suspect Valdivia and handcuffed him. He added that when they reached Valdivia and partially lifted him up to pull his hand out from underneath him for handcuffing, he noticed Valdivia's weapon was under him. Deputy Morning said he kicked Valdivia's weapon out of his hand however, Valdivia did not

resist, move or say anything as they handcuffed him. Deputy Morning then went to where the victim was and noticed Victim [redacted] had several bullet wounds to her torso, was bleeding profusely and appeared lifeless. For more information specific to distances and the time frame of the shooting, see pages 9 - 20 of Deputy Morning's IAB interview transcription.

During Deputy Morning's IAB interview, it was noticed he was wearing several ribbons and a pin on his Department uniform. Deputy Morning explained that all the decorations were a result of his performance during this shooting. He said he received the Medal of Valor from Governor Arnold Schwarzenegger, the Medal of Valor from the Sheriff's Department and the Medal of Bravery from ALADS. He added that the pin he was wearing was part of the Medal of Valor received from the Governor.

Deputy Morning, for points of reference and clarity, indicated his approximate positions and those of the suspect's, on a crime scene diagram during his IAB interview. See attached diagram **[Attachment E]**.

IAB investigators reviewed Deputy Morning's recorded interview with Homicide detectives. Homicide's summary of said interview was found to be an accurate reflection of his statements. His statements during his interview with IAB were consistent with those he made to Homicide investigators.

IAB interview of Deputy Guthrie

The narrative which follows is intended only as a synopsis of the IAB interview. Additional information and precise wording may be obtained by reviewing Deputy Guthrie's recorded interview and attached interview transcription.

Deputy Guthrie said that on the day of this incident, he was parked along side Deputy Morning on the top floor of the parking structure that is located at the north side of the parking lot for the AIS building. He said he was talking with Deputy Morning while they completed their reports when the call of a "Person Down" was broadcast. He said he and Deputy Morning discussed how best to respond to the call since they were only seconds away. He said the call was vague and they did not know the exact area of the person down because the AIS building has a parking lot that goes all the way around it. Deputy Guthrie said he told Deputy Morning that he would search one area while Morning would respond to the other part of the parking lot. Deputy Guthrie said he originally drove to the northeast portion of the AIS parking lot then made a u-turn because he could not find the person down. As he was driving west in the parking lot, he noticed Deputy Morning's patrol car parked with the driver's door open, at the opposite end of the row of parked cars he (Guthrie) was north of. He said as he drove west, he heard numerous gunshots from the general area of Deputy Morning's radio car and he heard bullets whizzing over him. He said he did not know if Morning was down behind his car and he (Guthrie) was now being sniped at. He added that he did not want to be a still target so he accelerated and drove to the west side of the parking lot then south toward the west entrance to the parking lot. As he drove, he tried to get a visual on where Deputy Morning was but he could not find him. He said

he parked his car near the driveway to the parking lot and got out to use his car's engine block and rear wheels as cover should he take more rounds. Deputy Guthrie said he broadcast that shots were being fired but he had no further information. He then heard Deputy Morning say over the radio that he was involved in a shooting. Deputy Guthrie said he parked his car and as he reached for his shotgun, he heard more gunfire so he left the shotgun and jumped out to take cover. When he looked up, he saw Deputy Morning standing behind a tree a short distance to the southeast of him. Deputy Morning was pointing towards a green SUV with it's door open, parked west of the front of the AIS building. He said the SUV was parked approximately 70 feet away and that his view of the vehicle was unobstructed. Deputy Guthrie said he did not know if the suspect had seen him get out of his vehicle and go to the trunk area. He said if the suspect had seen him, he did not want to stay at the rear since that would normally be the place the suspect would expect him to reappear. He said he looked under his car and attempted to locate the suspect, then he was about to go to the front passenger wheel for cover but noticed Deputy Ponce had arrived and was taking cover there. Deputy Guthrie said he looked underneath his car again and saw Suspect Valdivia walk out from between parked cars and advance towards him with a gun in his hand. Deputy Guthrie added that it appeared to him the suspect was running toward him and raising his gun up to shoot at him and the other deputies who had arrived next to him. Deputy Guthrie said he got up from the ground and took aim at the suspect while leaning over the trunk of his radio car. He said as Suspect Valdivia was raising his gun up, he heard Deputy Ponce yell at Suspect Valdivia to drop his weapon. Deputy Guthrie said he had no doubt Suspect Valdivia was intent on shooting him and/or his partners since Valdivia had every opportunity to surrender or even flee but Valdivia continued to charge at them while raising his gun up. Deputy Guthrie believed he had no choice at that point but to defend himself so he fired two quick shots at Suspect Valdivia. He said he heard other deputies firing at the same time but he kept a visual on the suspect. Deputy Guthrie said he fired two rounds then stopped to re-access as Suspect Valdivia fell to the ground. He said Suspect Valdivia appeared to have been hit by the gunfire and fell to the ground face down. He said Suspect Valdivia immediately raised his gun up in the air as if he was going to attempt a shot at them so he (Guthrie) fired three more times at the suspect to stop the threat. He said Suspect Valdivia then dropped his arm, still holding his weapon, and all the deputies stopped firing. Deputy Guthrie said that from the time he saw Suspect Valdivia charge toward him to the time he stopped shooting at the suspect, approximately five seconds had elapsed. Deputy Guthrie said that when he stopped shooting, he looked again toward the tree he had seen Deputy Morning taking cover behind initially but he noticed Morning was no longer there. He said he did not see where Morning had gone. Deputy Guthrie said his background at the time of the shooting was a number of parked cars and the AIS building. He said there were no obstructions or people in between himself and the suspect although he was aware of numerous pedestrians standing north of their location.

Deputy Guthrie said, based on the circumstances, he had no choice but to shoot at Suspect Valdivia to stop the threat and protect his life, the lives of his partners and the civilians in the parking lot.

Deputy Guthrie, for points of reference, indicated the positions of the suspect and personnel during this shooting incident, on a crime scene diagram during his IAB interview **[Attachment B]**.

IAB investigators reviewed Deputy Guthrie's recorded interview with Homicide detectives. Homicide's summary of said interview was found to be an accurate reflection of his statements. His statements during his interview with IAB were consistent with those he made to Homicide investigators.

IAB Interview of Deputy Hoo

The narrative which follows is intended only as a synopsis of the IAB interview. Additional information and precise wording may be obtained by reviewing Deputy Hoo's recorded interview and attached interview transcription.

Deputy Hoo said during his IAB interview on June 12, 2008, that on the day of this incident, he was inside the Cerritos Station and about to start his shift as a traffic enforcement motorcycle unit. He said he heard over the radio, Sergeant Cotto requesting assistance because of shots fired and a deputy involved shooting. Deputy Hoo said he responded from the station, along with Deputy Mades, on their Department motorcycles to the location which was across the street from the station. While responding, he heard gunfire coming from the location. He said their response time was a couple of minutes from hearing the assistance request to when they arrived at the west side parking lot entrance of the location. He said he parked his motorcycle near the entrance and took cover behind Deputy King's parked car. He added that he noticed Deputy King taking cover by his radio car and holding an AR-15 rifle. He said he saw Deputies Guthrie and Ponce taking cover next to Guthrie's radio car which was parked a short distance north of him. Deputy Hoo said he saw all the deputies pointing their weapons in a northeast direction towards the AIS building parking lot. Deputy Hoo added that as he was arriving, he heard the AR-15 being shot because of it's distinct noise but he did not see Deputy King firing it. Deputy Hoo said as he took cover by King's car, he heard one of the deputies yelling "Drop the gun. Drop the gun". He looked north in the parking lot and noticed Suspect Valdivia was down on the ground but he was still pointing his weapon towards them which made him believe Valdivia was going to shoot at them. Deputy Hoo said he wanted to stop Valdivia from shooting them so he fired one round from his Beretta at Valdivia and saw Valdivia drop his arm to the ground, still holding his weapon. He added that he heard other deputies firing at the same time but he did not see them do so because his attention was on the suspect. He did not know if Suspect Valdivia shot at them during the time they were shooting at Valdivia.

Deputy Hoo said he along with Sergeant Cotto, Deputies Morning and Mades and possibly another deputy, formed a arrest team and approached Suspect Valdivia. He said he placed handcuffs on Valdivia, who lay motionless and someone kicked Valdivia's gun away from his hand. He then saw Deputy Mades went to check on Victim [redacted] while he (Hoo) stayed with Suspect Valdivia.

[redacted] Hoo said his background at the time of the shooting were the numerous parked cars behind the suspect but the area between the suspect and him was unobstructed.

Deputy Hoo, for points of reference, indicated the positions of the suspect and personnel during this shooting incident, on a crime scene diagram during his IAB interview **[Attachment C]**.

IAB investigators reviewed Deputy Hoo's recorded interview with Homicide detectives. Homicide's summary of said interview was found to be an accurate reflection of his statements. His statements during his interview with IAB were consistent with those he made to Homicide investigators.

<u>IAB interview of Deputy King</u>

The narrative which follows is intended only as a synopsis of the IAB interview. Additional information and precise wording may be obtained by reviewing Deputy King's recorded interview and attached interview transcription.

Deputy King said during his IAB interview on June 11, 2008, that he was in the Cerritos Station garage area when he heard over the station loud speaker, a Person Down/Assault With a Deadly Weapon call at the location. He said he knew the location was across the street so he responded immediately. He said he arrived at the west side parking lot entrance and as he was doing so, he heard Deputy Guthrie advise over the radio that there was an active shooter and he noticed the Sheriff's Communication Center (SCC) trying to raise a deputy on the radio but could not do so.

> **IAB note: Deputy King was referring to SCC trying to raise Deputy Morning on the radio.**

Deputy King said he drove past several civilians who were standing near the parking lot entrance and they yelled to him "He's inside of the green Expedition" or "green SUV". He added that he saw the green SUV they were pointing towards, parked near the front of the AIS building.

Deputy King said he did not want to remain inside his car, since it could become a target, so he parked to the south of Deputy Guthrie's car. He said he got out to take cover behind his car and he noticed Deputy Morning taking cover behind a tree a short distance to the southeast. He said Sergeant Cotto pulled in immediately after him. He added that he saw Suspect Valdivia sitting in the passenger side of the green SUV approximately 100 feet away, with it's door open, and he was facing toward the west. He added that he could see Suspect Valdivia look up in their direction and he was working on something which Deputy King said he believed was Valdivia reloading his weapon. Deputy King said he yelled to his partners, the location of the suspect and then he noticed Valdivia had gone out of sight. He said that within seconds Suspect Valdivia reappeared near the front fender of the green SUV and looked around at them, then duck down again. He said Sergeant Cotto directed him to deploy the AR-15 rifle so he retrieved it from his vehicle's trunk. He then noticed Deputy Morning running east in the parking lot but he did not know why Morning did so. Deputy King said he looked for the suspect again and then heard

numerous gunshots near the SUV. He said he then saw Suspect Valdivia walk/stumble out from the SUV and in their direction. He said he could see Valdivia had a pistol in his hand so he and several other deputies all yelled several times to the suspect to put his gun down. He said Suspect Valdivia pointed his gun at them and he believed Valdivia was going to shoot them. He said Valdivia was given the chance to drop his weapon but instead Valdivia continued to point his gun at them. Deputy King said he had no choice but to defend himself and his partners, so he fired one round from his AR-15 rifle at Suspect Valdivia then re-assessed but quickly fired a second round since Valdivia was still pointing his weapon at them. He said Valdivia fell to the ground but still held his hand up and pointed his gun at them then dropped his arm holding his weapon and he (King) did not fire again because he felt the threat was diminished. He said he put the AR-15 in the trunk and he was part of the approach team who handcuffed Valdivia after the shooting stopped. Deputy King added that his background at the time of the shooting was numerous parked cars.

Deputy King said he believed his use of the AR-15 rifle was the best choice because the distance between him and the suspect was approximately 100 feet and the rifle is more accurate at greater distances than a pistol.

Deputy King, for points of reference and clarity, indicated his approximate position, and those of the suspect's, on a crime scene diagram during his IAB interview **[Attachment D]**.

IAB investigators reviewed Deputy King's recorded interview with Homicide detectives. Homicide's summary of said interview was found to be an accurate reflection of his statements. His statements during his interview with IAB were consistent with those he made to Homicide investigators.

IAB interview of Deputy Ponce

The narrative which follows is intended only as a synopsis of the IAB interview. Additional information and precise wording may be obtained by reviewing Deputy Ponce's recorded interview and attached interview transcription.

Deputy Ponce said, during his IAB interview on June 24, 2008, that he was in the Cerritos Sheriff Station and about to go in service as a motorcycle enforcement deputy when he heard a radio call of a "Person Down/possible Assault With a Deadly Weapon" at the location. He said the location was directly across the street from the station so he responded within two minutes of hearing the call. He said as he drove into the west parking lot entrance, he was directed by a security guard who was pointing toward the AIS building. He said he saw Deputy Guthrie's car parked with Guthrie taking cover beside it so he parked his motorcycle and took cover at the engine block of Guthrie's car. Deputy Ponce said he noticed Deputy Morning near a radio car and moving toward another radio car then he saw Morning shoot towards a row of parked cars in front of the AIS building. He said he knew Morning was firing because he saw the recoil and heard the report of Morning's weapon firing. Deputy Ponce said he was yelling for someone to tell him where the suspect was located and Deputy King yelled back that the suspect was near a

green SUV. He said he then saw Deputy Morning running north in the parking lot, taking cover by parked cars, then Morning fired his weapon again. Deputy Ponce said he then saw Suspect Valdivia walk out from between parked cars and advance toward him while pointing a pistol at him. He said he yelled several times for Suspect Valdivia to drop his gun however, Valdivia instead, kept advancing toward him and pointed his gun to shoot at them. He added that Valdivia was approximately 70 to 85 feet away at the time and there were no obstructions between them so he could clearly see Suspect Valdivia pointing his gun at them. He said he feared Valdivia was going to shoot him and/or his partners so he had no choice but to protect himself. He said he fired one shot at Suspect Valdivia with his USP 45. He then re-assessed but noticed Valdivia still posed a threat because he fell to one knee but was still pointing his weapon at them and appeared to still be trying to advance. Therefore, he (Ponce) fired one more time at Valdivia and Valdivia fell to the ground face down. Deputy Ponce added that while he was firing, he could hear other deputies firing also but he did not see them do so since his attention was solely on Suspect Valdivia. Deputy Ponce said he held the suspect at gunpoint while the arrest team approached and handcuffed the suspect, which was without incident.

Deputy Ponce said, based on the circumstances, he had no choice but to shoot at Suspect Valdivia to stop Valdivia from shooting them. He said his background at the time he fired was parked cars and the AIS building but it was clear of civilians.

IAB note: Deputy Ponce said he believed he fired two rounds during this incident. Shell casings at the scene and the amount of live rounds left in his weapon indicated he fired a total of three rounds.

Deputy Ponce, for points of reference and clarity, indicated his approximate position, and those of the suspect's, on a crime scene diagram during his IAB interview **[Attachment F]**.

IAB investigators reviewed Deputy Ponce's recorded interview with Homicide detectives. Homicide's summary of said interview was found to be an accurate reflection of his statements. His statements during his interview with IAB were consistent with those he made to Homicide investigators.

<u>Suspect Statements</u>

None - Suspect Valdivia died without saying anything during the time of this incident.

<u>Miscellaneous</u>

* The personally owned Heckler & Kock USP 45 belonging to Deputy Ponce was transported to the Sheriff's Department Scientific Services Bureau Firearms Identification Section for test firing and examination. Refer to Receipt #**J814168** & Subsequent Inspection Report, dated November 1, 2006, on page 381 of the Homicide Investigation Book.

* The Department issued Beretta 92F pistols belonging to Deputies Guthrie, Hoo and Morning and the Colt AR-15 rifle were transported to the Sheriff's Department Scientific Services Bureau Firearms Identification Section for test firing and examination. Refer to Receipt #**J814168** & Subsequent Inspection Report, dated November 1, 2006, on page 381 of the Homicide Investigation Book.

* The weapon used by Suspect Valdivia was recovered and transported to the Sheriff's Department Scientific Services Bureau Firearms Identification Section for examination. Refer to Receipt **#J814172** found on page 383 of the Homicide Investigation Book.